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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CYBERLUX CORPORATION,

Plaintiff,

-against-

AJW PARTNERS, LLC, AJW OFFSHORE, LTD,
AJW QUALIFIED PARTNERS, LLC, and NEW
MILLENNIUM CAPITAL PARTNERS II, LLC,

Defendants.

Case No. 07-CV-7808 (DAB)

ECF CASE

NOTICE OF MOTION TO
DISMISS COMPLAINT

TO: ERNEST E. BADWAY, ESQ.
SAIBER SCHLESINGER SATZ & GOLDSTEIN, LLC
44 Wall Street
12th Floor
New York, New York 10005
Attorneys for Plaintiff

PLEASE TAKE NOTICE that upon the annexed Declaration of Gary Post, dated September 17, 2007, the Declaration of Corey Ribotsky, dated September 17, 2007, the exhibits thereto, the Declaration of Thomas J. Fleming, dated September 21, 2007, the exhibits thereto, the accompanying Memorandum of Law dated September 21, 2007, and upon all pleadings and proceedings heretofore had herein, plaintiff will move this Court before the Honorable Deborah A. Batts at the United States Courthouse, 500 Pearl Street, New York, New York on a date to be set by the Court or agreed upon by counsel for an Order:

1. Pursuant to Rules 12(b)(6) and 8(b), Fed. R. Civ. P., dismissing the First and Tenth Claims for Relief for lack of standing and for failure to state a claim upon which relief can be granted; and

2. Alternatively, dismissing the First Claim and, pursuant to Rule 12(c), Fed. R. Civ. P., awarding judgment on the pleadings to defendants on the Tenth Claim for Relief; and

3. Dismissing the remaining claims in the Complaint, pursuant to 28 U.S.C. § 1367(c)(3); and

4. Granting such other and further and other relief as the Court deems just and proper.

Dated: New, York, New York
September 21, 2007

OLSHAN GRUNDMAN FROME
ROSENZWEIG & WOLOSKY LLP

By: /s/ Thomas J. Fleming
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